

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMISSIONS IMPORT EXPORT S.A.,

Petitioner,

-v.-

REPUBLIC OF THE CONGO and
ECREE LLC,

Respondents.

19 Misc. 195 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On December 13, 2019, the Court conducted a conference concerning Petitioner's application for the turnover of property and the certificates of default that have been issued by the Clerk of Court against Respondents. The Court acknowledges the merit that inheres in many of Petitioner's arguments opposing the vacatur of the certificate of default entered against Respondent Republic of the Congo. That said, the Court can admit of the possibility that Respondent Republic of the Congo's desire to vacate the certificate of default is presented at this stage in the proceedings for reasons other than causing further delay. For example, though Petitioner's counsel is correct that Respondent Republic of the Congo did not file a motion to vacate in the two months after counsel for it had appeared, the Court would understand if counsel for Respondent Republic of the Congo had thought it best to obtain the Court's permission to file a motion during the December 13, 2019 conference before doing so.

Accordingly, the Court will set a schedule for the filing of Respondent Republic of the Congo's anticipated motion to vacate the certificate of default entered against it. Respondent shall file its motion on or before January 3, 2020. Petitioner shall file its opposition papers on or before January 17, 2020. Respondent shall then file its reply papers, if any, on or before January 24, 2020. The Court will not permit Respondent Republic of the Congo to extend this briefing schedule, but it will permit Petitioner to extend for good cause shown.

Given the schedule set forth in the preceding paragraph, and the Court's desire to know *ex ante* whether this matter will involve two defaulting parties or one, the Court will refrain from issuing an order to show cause for default judgment against Respondent Ecree LLC, until Respondent Republic of the Congo's motion to vacate has been resolved.

SO ORDERED.

Dated: December 20, 2019
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge